

Members

Rep. Claire Leuck, Chairperson  
Rep. Dan Stevenson  
Rep. Robert Alderman  
Rep. P. Eric Turner  
Sen. Ron Alting  
Sen. Robert Jackman  
Sen. Rose Antich  
Sen. Allie Craycraft



## RAIL CORRIDOR SAFETY COMMITTEE

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Authority: P.L. 28-2000

### MEETING MINUTES<sup>1</sup>

Meeting Date: October 18, 2001  
Meeting Time: 1:30 P.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 2

**Members Present:** Rep. Claire Leuck, Chairperson; Rep. P. Eric Turner; Sen. Rose Antich.

**Members Absent:** Rep. Dan Stevenson; Rep. Robert Alderman; Sen. Ron Alting; Sen. Robert Jackman; Sen. Allie Craycraft.

Rep. Leuck convened the meeting at 1:40 p.m. A quorum of members was not present, so the Committee received testimony only.

#### Unauthorized utility crossing of railroad property

Tom Fruechtenicht, Indiana Rail Transportation Group (IRTG), explained that IRTG primarily represents Class 3 (short line) railroads. Mr. Fruechtenicht made the following points:

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

- ▶ Utility companies install water, electric, internet cable, and gas lines on railroad property without any notification to the railroad.
- ▶ Gas pipeline presents a particularly dangerous situation because the utilities have been installing the pipelines without enclosing it in a protective steel casing and without notifying the railroad of the pipeline location.
- ▶ Legislation needs to be drafted that does the following: (1) Establishes a criminal or a civil penalty for unauthorized utility crossings. (2) Requires by 2003 that the crossings are marked and have a steel casing. (3) Establish statewide registration of utility crossings.
- ▶ Require utilities to register the utility crossings with the Indiana Department of Transportation as to the location of the crossing, the size of the pipe, and any other information necessary to ensure safety.

Jim Carrico, United Transportation Union, stated that he thought that the law currently required anyone doing work near or on a track to have a flagman. If this is the case then the utilities are already violating the law. Mr. Carrico also stated that the utilities may be violating the trespass statute.

Mike Scime, InDOT, explained to the Committee that the railroads issue the permits to the utilities to install the lines. The normal procedure is that a utility obtains an easement and pays a fee to the railroad before installing the line. He suggested that some of the utilities may object to the fees. He indicated that the railroad keeps accurate records of the utility lines that have been installed after receiving the railroad's permission.

Mr. Larry Good, InDOT, explained that Indiana Underground Plant Protection Services is the service that a person must call before they dig. He stated that this service, and not InDOT, would be the natural clearinghouse for information about utility lines.

Sen. Antich indicated that she would be interested in working with the interested parties on legislation on this issue.

### **Whistle ban ordinances**

Mike Scime, InDOT, stated that he reviews local petitions for whistle ban ordinances. He stated that InDOT can only approve an ordinance after a study has been done to show how it can be done safely. Mr. Scime distributed a handout to members. (A copy of the handout is available at the Legislative Information Center. See footnote 1.) He reported that a Federal Railroad Administration study indicated that accidents increase by 62% if train whistles are silenced. As a result, when InDOT reviews an application for a whistle ban ordinance, it looks at what additional safety measures can be taken to make the safety level at the crossing remain at the same level as it was before the whistle ban. The additional safety measures such as four quadrant gates, median barriers, one-way pairs, and closing the crossing can be costly. He explained that Indiana has 3400 crossings that do not have gates and lights. InDOT wants to use federal funds to improve these crossings and does not want to spend federal funds on upgrading whistle ban crossings when the result is to just maintain the same safety level. He stated that since it is the community that wants the whistles to stop, the burden is on the community as to how they want to pay for it. He reported that currently there are six cities that are trying to get approval for whistle bans. Sen. Antich remarked that one of those petitioning cities, Ogden Dunes, has one railroad entrance and gets 166 trains per day.

Mr. Scime explained the whistle ban ordinances in Indiana are 24 hour bans while other states, like Ohio, have a night time only whistle ban. Rep. Turner pointed out that adopting an ordinance establishing a nighttime only whistle ban would reduce the 62% accident figure. Mr. Scime stated that three of the crossings at Goshen have only crossbucks. He stated that InDOT would use federal funds for installation of standard gates and lights but not for the additional safety measures required if the whistle ban were implemented.

Tanya Galbraith, Indiana Association of Cities and Towns, stated that the current law regarding whistle bans was the result of a long negotiation. Before this legislation was initiated, the law provided for an outright whistle ban. She stated that she thinks the local units took the cost into consideration when they agreed to this provision. She stated that she thinks the legislation is working because there are so few applications for whistle ban ordinances.

### **High speed rail**

Tom Beck, InDOT, updated the Committee on the progress of high speed rail in Indiana. Mr. Beck provided two handouts to the Committee concerning high speed rail. (These handouts are available at the Legislative Information Center. See footnote 1.) Mr. Beck explained that InDOT has been active for the last five years on the high speed rail issue. He explained that it would require an expenditure of \$4 to \$5 billion for a network in the Midwest. He indicated that the states are hopeful that the federal government will pay for 75% to 80% of the cost. He stated that Indiana's estimated share will be \$75 million to \$100 million. He indicated that InDOT is analyzing the route between Gary and Cleveland to determine a recommended route. He indicated the federal funds would not be available for pre-planning costs like environmental studies.

Rep. Leuck indicated that this meeting was the last meeting of the Committee. The meeting adjourned at 2:45 P.M.